

**PROCEDURE FOR OBTAINING A RIGHT TO USE STATE
WATER IF THE APPLICANT PROPOSES AN ALTERNATIVE
SOURCE OF WATER THAT IS NOT STATE WATER**

CHAPTER 1157

S.B. No. 864

AN ACT

relating to the procedure for obtaining a right to use state water if the applicant proposes an alternative source of water that is not state water.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 11.132(c) and (d), Water Code, are amended to read as follows:

(c) In the notice, the commission shall:

- (1) state the name and address of the applicant;
- (2) state the date the application was filed;
- (3) state the purpose and extent of the proposed appropriation of water;
- (4) identify the source of supply and the place where the water is to be stored or taken or diverted from the source of supply;
- (5) *identify any proposed alternative source of water, other than state water, identified by the applicant;*
- (6) specify the time and location where the commission will consider the application; and
- (7) ~~[(6)]~~ give any additional information the commission considers necessary.

(d) The commission may act on the application without holding a public hearing if:

- (1) not less than 30 days before the date of action on the application by the commission, the applicant has published the commission's notice of the application at least once in a newspaper regularly published or circulated within the section of the state where the source of water is located;
- (2) not less than 30 days before the date of action on the application by the commission, the commission mails a copy of the notice by first-class mail, postage prepaid, to:
 - (A) each claimant or appropriator of water from the source of water supply, the record of whose claim or appropriation has been filed with the commission; ~~[and]~~
 - (B) *each groundwater conservation district with jurisdiction over the proposed groundwater production, if the applicant proposes to use groundwater from a well located within a groundwater conservation district as an alternative source of water; and*
 - (C) all navigation districts within the river basin concerned; and
- (3) within 30 days after the date of the newspaper publication of the commission's notice, a public hearing has not been requested in writing by a commissioner, the executive director, or an affected person who objects to the application.

SECTION 2. Section 11.135(b), Water Code, is amended to read as follows:

(b) The permit shall be in writing and attested by the seal of the commission, and it shall contain substantially the following information:

- (1) the name of the person to whom the permit is issued;
- (2) the date the permit is issued;
- (3) the date the original application was filed;
- (4) the use or purpose for which the appropriation is to be made;
- (5) the amount or volume of water authorized to be appropriated for each purpose; if use of the appropriated water is authorized for multiple purposes, the permit shall contain a special condition limiting the total amount of water that may actually be diverted for all of the purposes to the amount of water appropriated;

(6) a general description of the source of supply from which the appropriation is proposed to be made, *including any alternative source of water that is not state water*;

(7) the time within which construction or work must begin and the time within which it must be completed; and

(8) any other information the commission prescribes.

SECTION 3. Sections 11.143(e) and (f), Water Code, are amended to read as follows:

(e) In the notice, the commission shall:

(1) state the name and post-office address of the applicant;

(2) state the date the application was filed;

(3) state the purpose and extent of the proposed appropriation of water;

(4) identify the source of supply, *including any proposed alternative source of water, other than state water, identified by the applicant*, and the place where the water is stored; and

(5) specify the time and place of the hearing.

(f) The notice shall be published only once, at least 20 days before the date stated in the notice for the hearing on the application, in a newspaper having general circulation in the county where the dam or reservoir is located. At least 15 days before the date set for the hearing, the commission shall transmit a copy of the notice by first-class mail to each person whose claim or appropriation has been filed with the commission and whose diversion point is downstream from that described in the application. *If the notice identifies groundwater from a well located in a groundwater conservation district as a proposed alternative source of water, the notice shall be:*

(1) *sent to the groundwater conservation district in which the well is located; and*

(2) *published, at least 20 days before the date stated in the notice for the hearing, in a newspaper having general circulation in each county in which the groundwater district is located.*

SECTION 4. The changes in law made by this Act apply only to an application for a new or amended water right received by the Texas Commission on Environmental Quality on or after the effective date of this Act. An application received before the effective date of this Act is governed by the law in effect on the date the application was received, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2017.

Passed the Senate on April 3, 2017: Yeas 31, Nays 0; passed the House on May 19, 2017: Yeas 144, Nays 0, two present not voting.

Approved June 15, 2017.

Effective September 1, 2017.

JEFF DAVIS COUNTY UNDERGROUND WATER CONSERVATION DISTRICT; AUTHORIZING A FEE

CHAPTER 1158

S.B. No. 964

AN ACT

relating to the Jeff Davis County Underground Water Conservation District; authorizing a fee.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8891 to read as follows: